



# Legislative Research Council

## RULES REVIEW COMMITTEE AGENDA

---

Senator Royal "Mac" McCracken, Chair  
Representative Jean M. Hunhoff, Vice Chair

Two hundred forty-fourth meeting  
Tuesday  
December 2, 2003

Room 413  
State Capitol  
Pierre, South Dakota

*Agencies are asked to have a representative present at the meeting to give background information on their rules.*

9:00 a.m. Call to order, roll call, approval of minutes, staff report

9:10 a.m. Review of proposed rules

### **Representative Smidt**

Department of Game, Fish and Parks - Amend rules that will permit uncased .22 caliber firearms year around on GFP designated rifle ranges at North Point and Oahe Downstream Recreation Areas and prohibits uncased firearms and bows year around in certain areas of Bear Butte State Park; increase the entrance license fee for persons occupying commercial motor coaches; change the designation of the fee applicable at Richmond from "modern" to a "preferred" campground; require boat operators to have on board a Coast Guard-approved wearable personal flotation device for each person being towed on certain devices unless the person being towed has possession of a wearable Coast Guard-approved personal flotation device; permit a migratory bird certification "permit" to be in the form of an "authorization code" and clarifies that if the permit is a "stamp," the stamp must be on the hunting license; change from 4 weeks of age to 6 weeks as the time when game birds propagated, possessed, or released on a private shooting preserve must be appropriately marked; complete revision of and amendments to the chapter formerly known as "Domestication of Wild Species" and changed to "Captive Game Birds"; prohibit high-grading of trout in the Black Hills Trout Management Area and prohibit high-grading of bluegill in Campbell Slough; extend the date when an ice fishing shelter must be removed from Deerfield Lake; Newell Lake (largemouth bass) impose a 12-16 inch protected size restriction and establish a daily possession limit to include no more than one 16 inches or longer; Campbell Slough (smallmouth and largemouth bass) impose an 18 inch minimum size restriction and a daily possession limit of one; impose a 15 inch size restriction for largemouth and smallmouth bass in Stockade and New Underwood Lakes; impose a 14 inch minimum size restriction for walleye, sauger, and walleye-sauger hybrid at Campbell Slough, Curlew Lake, and Newell Lake; impose a 10 fish (bluegills and

sunfish [or combination thereof], crappies, and perch) daily possession limit at Twin and Mud Lakes in Spink, Grant, and Roberts counties (except the Minnesota/SD boundary waters); clarify that no more than one of the northern pike taken daily from LaCreek National Wildlife Refuge may be 36 inches or greater in length and modify the possession limit; and impose the minimum size restriction for walleye, sauger, and walleye-sauger hybrid from 16 inches to 14 inches at Waubay Lake; open the bullfrog season all year long; prohibit taking turtles that are on the state list of endangered reptiles; modifies the species contained in the list of biological specimens that may be taken for commercial purposes and lawful anglers, and limits the possession by lawful anglers of any listed species to a daily limit of 15 each and possession limit of 30 each; repeal the resident, nonresident, and nonresident family fishing licenses for Lake Oahe; reduce the daily limit of walleye, sauger, and walleye-sauger hybrid on Lake Oahe to 6 daily and 18 in possession and prohibit the daily taking of more than one which is 22 inches or greater in length (was 18 inches); establish a daily limit of 3 walleye, sauger, walleye-sauger hybrid on Lake Sharpe and on Lake Francis Case and the Missouri River downstream from Fort Randall Dam approximately 3 miles to the Nebraska border; and prohibit the taking of bait and biological specimens on the Missouri River below Gavins Point Dam.

### **Senator McCracken**

Department of Agriculture: Division of Agricultural Services - Adopt a rule that will require those who manufacture distiller and corn gluten feed products to provide a maximum sulfur guarantee on the label of these products.

### **Senator Dennert**

Department of Social Services: Food Stamps - Adopt rules that specifies that those households that receive Low Income Energy Assistance are eligible for the food stamp standard utility allowance, and establish two new types of utility allowances for food stamp households: (1) a limited utility allowance, and (2) a one-utility allowance.

Department of Social Services: Office of Medical Services - Amend rules that reflect changes in Federal Authority from a waiver to a State Plan amendment; remove SSI disabled children and Title V children from the Case Management program; amend the eligibility requirements for a primary care provider; amend the individual's choice of PCP time measured by the date of notice; to allow changes in PCP to be conveyed verbally or in writing by the recipient, and no longer has to establish good cause; changes made to reflect disenrollment effective date request initiated by the provider will be the first day of the month following approval, and that good cause reasons must be non-discriminatory, generally applied to the provider's entire patient base; clarifies the language that a referral must be made by the PCP before the other medical provider provides service; changes exempt from managed care rehabilitation hospital services, chemical dependency treatment, and prescription drug services and states organ transplants, FQHC/RHC, and diabetic education programs are now covered services under managed care; amend the definition source for mental health services for those diagnosed as seriously emotionally disturbed and exempts prescription drug services and clarifies that case management services are not exempt services; repeals the requirement

of case management for services provided at community mental health centers; amend the billing requirements for case management; repeal rules that state pharmacy claims must have a managed care referral; and require that claim requirements for ambulatory surgical center services must follow certain requirements and for organ transplant services, mental health services, diabetes education services, FQHC and RHC services must follow certain claim requirements.

### **Representative Engels**

Department of Labor: Board of Accountancy - Adopt rules that will carry out the functions of the new computerized "uniform CPA examination" which is to be implemented April 5, 2004, and adopt new continuing professional education standards, following approval by the Legislature for implementation January 1, 2004.

Department of Labor: State Plumbing Commission - Repeal the 1996 National Standard Plumbing Code and amendments and adopt the 2003 Uniform Plumbing Code with amendments.

Department of Environment and Natural Resources: Board of Water and Natural Resources - Amend rules to move Loomis Township from Central Plains Water Development District Rural Director Area 4 to Rural Director Area 2; to use 2000 census data rather than the 1990 census data to award priority points for population; to allow the Board of Water and Natural Resources more flexibility in the type of projects that can receive water quality grants; to use median household income data from the 2000 census rather than use non-metropolitan median household income data from the 1990 census data to determine affordability criteria and disadvantaged community eligibility; to adjust the affordability criteria to reflect more recent census data; to quantify the criteria for awarding priority points for projects developing new sources of water supply; to change the basis for awarding points from having less than a peak day demand to an average day demand; and to use 2000 census data rather than the 1990 census data to award priority points for population.

11:00 a.m. Adjourn

**NOTE:** To help agencies estimate when to appear before the committee, the agenda is set assuming a ten-minute presentation per rule. However, actual times may vary.

**Members:** Senator Royal "Mac" McCracken, Chair; Representative Jean M. Hunhoff, Vice-Chair; Senators Eric H. Bogue and H. Paul Dennert; and Representatives Richard H. Engels and Orville B. Smidt.

**NOTE:** *Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605/773-3251) in advance of the meeting to make any necessary arrangements.*



All Legislative Research Council committee minutes and agendas are available on the South Dakota Legislature's Homepage (<http://legis.state.sd.us>). Subscribe to receive electronic notification of meeting schedules and the availability of agendas and minutes at MyLRC (<http://legis.state.sd.us/mylrc/index.cfm>).